

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13
:
KENNETH J. MOSS and :
NINETTE E. MOSS, :
DEBTORS : CASE #5:22-BK-01239-MJC

POCONO MOUNTAIN REGIONAL :
EMERGENCY MEDICAL SERVICES, INC. :
MOVANT :
:
and :
:
KENNETH J. MOSS and NINETTE E. MOSS, :
And :
JACK N. ZAHAROPOULOS, Chapter 13 Trustee, :
RESPONDENTS :

OBJECTION TO DEBTOR'S CHAPTER 13 PLAN

AND NOW, comes Pocono Mountain Regional Emergency Medical Services, Inc. ("Movant"), by and through its attorneys, JSDC Law Offices, and files this Objection to Debtors' Chapter 13 Plan and avers as follows:

1. On July 6, 2022, Kenneth J. Moss and Ninnette E. Moss ("Debtors") filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code and subsequently filed their Chapter 13 Plan ("Plan") of the Bankruptcy Code, 11 U.S.C. §1301, et seq. (Petition).
2. Movant is Pocono Mountain Regional Emergency Medical Services, Inc., is a Pennsylvania non-profit corporation, registered to do business in Pennsylvania, with its office located at 135 Tegawitha Road, Tobyhanna, Monroe County, Pennsylvania 18466.
3. Movant is a party in interest under the provisions of the Bankruptcy Code, as it is a secured creditor of Debtors as it has a judgment lien on Debtors' property.

4. Movant provided medical care and transportation to Kenneth J. Moss on September 3, 2018, and incurred charges of \$1,554.00; and provided medical care and transportation treatment to Defendant's then-minor child on April 8, 2019, and incurred charges of \$1,090.00.

5. Movant filed its Complaint on February 8, 2022 and subsequent judgment and writ of execution on May 26, 2022, with the Monroe County Prothonotary in the amount of \$1,650.16, plus additional costs and interest, for a total due to Movant of \$2,181.90.

6. Debtors received payment from their insurance company for the above referenced medical care and transportation.

7. Rather than pay over the insurance company funds to Movant, the Debtors converted the insurance company funds that should have been forwarded to Movant as a result of the two medical care and transportations as noted above.

8. On August 17, 2022, Movant filed its Proof of Claim ("Claim") evidencing a total secured claim of \$2,181.90, as of the date of the filing of the Petition.

9. Debtors' Plan indicates that they plan to avoid the Movant's lien and does not include provisions for payment of Movant's claim and no motion to avoid the lien has been filed by Debtor to date.

10. Accordingly, Debtor's Plan is in violation of 11 U.S.C. 1322 (a)(1) and (b)(2) because it fails to provide adequate protection payments to Movant, a secured creditor, over the life of the Plan in the amount of its secured claim.

11. Debtor's Plan is in violation of 11 U.S.C. §§ 1322 (b)(2) and 1325 because it impermissibly attempts to modify the rights of Movant under its Secured Claim which is secured solely by the Real Property. Further, the Plan is not feasible under §1325 of the Bankruptcy Code.

12. Consequently, because the Debtor's Plan fails to meet the requirements of §1322 (a)(1) and (b)(2) and §3125 of the Bankruptcy Code, the Plan cannot be confirmed.

WHEREFORE, Movant, Pocono Mountain Regional Emergency Medical Services, respectfully requests that this Honorable Court sustain its Objections to Debtors' Chapter 13 Plan and deny confirmation of said Plan.

JSDC Law Offices

Dated: August 19, 2022

By: /s/ Kimberly A. Bonner, Esquire

Kimberly A. Bonner, Esquire

Supreme Court I.D. #89705

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MOVANT :
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KENNETH J. MOSS and NINETTE E. MOSS, :
And :
JACK N. ZAHAROPOULOS, Chapter 13 Trustee, :
RESPONDENTS :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Objection to Chapter 13 Plan was served on the following this 19th day of August, 2022, via ECF Notification:

Timothy B. Fisher, II, Esquire
523 Main Street
PO Box 396
Gouldsboro, PA 18424

Jack N. Zaharopoulos, Trustee
8125 Adams Drive
Suite A
Hummelstown, PA 17036

JSDC Law Offices

Dated: August 19, 2022

By: /s/ Kimberly A. Bonner, Esquire
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